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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:

Inventor: Apollon Papadimitriou

Group: 1653

Serial No. 09/853,731, filed May 11, 2001  
(Ref. No. 20619 US)

Examiner: Kam, C.

For: **ERYTHROPOIETIN COMPOSITION**

**STATUS INQUIRY**

Nutley, New Jersey 07110  
August 3, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request clarification of the status of the instant application.

On June 4, 2004 applicants filed an Amendment in response to the Final Rejection dated May 12, 2004.

On June 24, 2004 applicants received a facsimile Proposed Examiner's Amendment.

On June 28, 2004 applicants received a telephone call from the Examiner instructing applicants to disregard the June 24, 2004 proposed Examiner's Amendment and consider instead a "Proposed Examiner's Amendment -2" which applicants also received on June 28, 2004.

On June 29, 2004 the undersigned called the Examiner to discuss the proposed Examiner's Amendment received on June 28, 2004. The undersigned indicated applicant would accept some of the proposals in the Examiner's "Proposed Examiner's Amendment -2," but also requested changes

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in some of the proposed language. The Examiner indicated she would consider the various proposals.

On July 1, 2004 the undersigned's assistant received a telephone call from the Examiner notifying applicant that there were additional issues for resolution in the case and that prosecution would be reopened.

On August 2, 2004 applicant checked the PTO's PAIR system entries for the instant application and noted the most recent entry states "Examiner Interview Summary Record (PTOL-413). Other than the facsimile of "Proposed Examiner's Amendment-2," applicants have not received any document from the PTO dated June 28, 2004, and certainly no document that can be described as an "Examiner Interview Summary Record". Applicants attempted to locate the "Examiner Interview Summary Record" on the "Image File Wrapper" option of PAIR and do not find this document. Thus, if an "Examiner Interview Summary Record" dated June 28, 2004 was in fact entered in the file of the instant application, applicants respectfully request a copy.

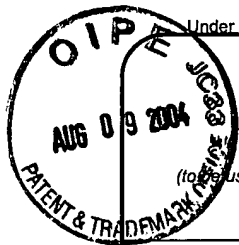
Applicants also request an update as to the status of this application.

Respectfully submitted,



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PTO/SB/21 (02-04)  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/853,731
Filing Date	May 11, 2001
First Named Inventor	Papadimitriou, Apollon
Art Unit	1653
Examiner Name	Kam, C.
Attorney Docket Number	20619 US

### ENCLOSURES (Check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input checked="" type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|---|---|

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Patricia S. Rocha-Tramaloni
Signature	
Date	8/3/2004

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Patricia S. Rocha-Tramaloni		
Signature		Date	8/3/2004

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